

BOARD OF DESIGN REVIEW MINUTES

December 2, 2004

CALL TO ORDER: Chair Mimi Doukas called the meeting to order at 6:30 p.m. in the Beaverton City Hall 2nd Floor Conference Room South at 4755 SW Griffith Drive.

ROLL CALL: Present were Chair Mimi Doukas; Board Members Hal Beighley, Ronald Nardoza, Jennifer Shipley, Stewart Straus, and Dennis Collins. Board Member Jessica Weathers was excused.

Senior Planner John Osterberg, Assistant Planner Laura Kelly, and Recording Secretary Sheila Martin represented staff.

VISITORS

Chair Doukas read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

STAFF COMMUNICATIONS

Senior Planner John Osterberg announced that at the December 16, 2004, hearing, Development Services Manager Steven Sparks will lead a discussion and presentation on the new Design Review Code Text. He noted that Staff will present a BDR Work Session tentatively set for mid-January and suggested to the Board to designate a person to collect issues or topics for discussion and communicate these on to Steve Sparks. He reminded the Board that elections will take place at the conclusion of the first hearing in January.

NEW BUSINESS

PUBLIC HEARINGS

A. FIRST TECH CREDIT UNION @ BEAVERTON CREEK

1. DR2004-0105 – DESIGN REVIEW

The applicant proposes to construct a 50,000 square foot financial center on a portion of a 5.43 acre site. The proposal also includes a 270 space parking lot and related landscaping and lighting improvements.

Disclosing that she had done work for Specht Development Companies in the past, and is not actively involved at this time in any project with Specht Development, Chair

Doukas expressed her opinion that this would not affect her ability to make a fair and impartial decision with regard to this proposal.

Chair Doukas described the applicable approval criteria for each application and briefly outlined the public hearing process that would be followed.

Assistant Planner Laura Kelly presented the Staff Report and explained briefly the purpose of the application. She referred to Staff's Memorandum dated December 2, 2004, regarding two pieces of correspondence provided to Staff by Specht Development and Group Mackenzie regarding recommended Conditions of Approval Nos. 18 and 32 from the Staff Report dated November 24, 2004. She explained that Condition of Approval No. 18 requires the construction of an 8-foot wide path along the site's western edge, and Condition No. 32 is a standard Board of Design Review Condition of Approval requiring groundcover spacing of 30" on center. She pointed out that the correspondence requests consideration of pathway phasing as well as increased spacing for groundcover planters to 36" on center. She discussed correspondence from THPRD to Staff which stated that they are unlikely to accept maintenance responsibility for the path unless it is constructed in one phase. Concluding, she submitted the materials board and recommended approval subject to Staff's recommended Conditions of Approval, and offered to respond to questions.

APPLICANT:

TODD SCHAFFER with *Specht Development* provided a brief history regarding Specht Development's background emphasizing that Specht Development has owned the Beaverton Creek Business Park since 1988. He pointed out the applicant's concerns with regard to Conditions of Approval #18 and #32 as it pertains to the proposed application and concluded by introducing Jeff Humphreys with *Specht Development*, Preston Beck with *Group Mackenzie* and Steve Pfeiffer as representatives of their client *Beavercreek LP*.

JEFF HUMPHREYS with *Specht Development* provided a brief description of the proposed application. Using an oversized exhibit he discussed the current site conditions including the existing development, surrounding development, easements, and streets. He pointed out a couple of changes from the original submittal, which includes the following:

- Reduction of the floor height to the building
- Reduction of parapet height
- A door off to the left side of the main façade that has been relocated to the right side.
- Recess door had been pulled out to make it flush with the building.

PRESTON BECK representing *Group Mackenzie*, on behalf of the applicant, *Specht Development*, thanked Staff for working closely to address the concerns pertaining to Conditions of Approval Nos. 18 and 32 involving this proposal. Addressing Condition

of Approval No. 32 he pointed out that although Specht Development supports the intent to create plantings that provide coverage, they disagree with the condition of approval of 30 inches on center, as the City's Development Code doesn't identify a specific spacing or density. He pointed out that Otten and Associates, the landscape architecture firm associated with the First Tech proposal had submitted a memo confirming that the spacing of one-gallon groundcover plants at 36" on center, as specified in the Landscape Plans, is adequate to achieve full coverage in 3-5 years. Based on this information, he stated that the applicant believes that the proposed 36-inch spacing of ground cover is adequate and meets the overall intent of a complete groundcover and requests that the Board consider that the 30" groundcover spacing requirement be removed or be modified to require a specific coverage within a designated timeframe.

Referring to Exhibit C2.0 of the Preliminary Partition Submittal, Mr. Beck briefly discussed Conditions of Approval No. 18 which requires the applicant to construct an 8-foot wide shared use path within a 12-foot wide easement to connect to the existing trail. He pointed out that although Specht Development supports the overall objective to complete the trail connection, they disagree with the proposed First Tech Credit Union development assuming the full burden of paying for the entire trail connection. Concluding, he noted that the applicant has requested modification of the condition of approval to require that only Lot 1 of the trail associated with the First Tech development be constructed at this time, and that the condition regarding the remaining part of the trail be associated with the development of Lot 2.

TODD SCHAFFER provided a brief background of Beaverton Creek Business Park and pointed out that the vacant land is owned by Beaverton Creek Limited Partnership, and an institutional partner. He explained that when the First Tech development is constructed, the entities owning each of the partitioned lots will be different. Emphasizing that Specht Development has a fiduciary responsibility to minimize the expenses associated with the development of First Tech, he stated that Specht Development is supportive of developing the trail on Lot 2 granted that Tualatin Hills Parks and Recreation District (THPRD) agrees to provide Park SDC credits up to the amount to be paid for the First Tech development. He noted that Specht Development opposes any requirement that the trail be built on Lot 2 should the cost of the offsite improvements result in increased costs to the First Tech development.

STEVE PFIEFFER, Land Use Attorney representing the client, explained that although the applicant has no concerns with the construction of the parcel, they disagree with the proposed First Tech Credit Union development assuming full burden of paying for the entire trail, and suggested, on behalf of the applicant, a couple alternatives that they feel would meet their objectives. He discussed two land use cases in relation to Condition No. 18 of the proposed application, and expressed his opinion that the City's ability to impose a site requirement or a requirement for improvement has to be directed proportionately to the impacts associated with the project.

Acknowledging that the developer isn't objecting to the construction of the pathway, Mr. Straus pointed out that the real issue pertains to the question of timing. He expressed his opinion that the developer would have a reasonable argument to make with whoever he needs to negotiate the SDC credits or if there are extra cost that are borne by whoever buys the next parcel to develop himself. He observed that \$8 - \$10,000 of cost is not considered outlandish for a development like this, and noted that the only savings the developer would get is that the cost is not going to be recovered quite as soon, as there is no one building on this parcel, adding that if the developer had a buyer for this property, and the buyer was going to be building 6 months from now this issue would not be argued. He also pointed out that Beaver Creek Limited Partnership is the entity that should be responsible for constructing the north half of the property and how Beaver Creek LLC is reimbursed for that cost is between themselves and the buyers, and the fact that it hasn't worked out before the developer made the agreement is not the Board of Design Review's problem.

Chair Doukas pointed out that the Board has very limited tools to decide the costs associated with the construction of the trail, and stated that the findings to build a path on the north parcel part of the main piece of land will be the same as the findings for the south half of the trail.

PUBLIC TESTIMONY

No member of the public testified with regard to this application.

Mr. Straus questioned if the applicant's proposal for the groundcover meets the intent of the Code.

Mr. Beighley pointed out that the applicant is proposing one-gallon containers at 36" on center.

Mr. Straus expressed his opinion that Staff may want to reconsider writing the standard condition to address plant size and type rather than specific spacing requirements only.

Chair Doukas closed the public hearing.

Mr. Straus expressed his opinion that the finding should be left as it's written, adding that the applicant needs to pursue other options that are outside of the Board's jurisdiction to deal with their concerns regarding how the funds are allocated to pay for the trail.

Chair Doukas expressed her opinion that the cost of the requirement and the proportionate cost is not the Board's decision to make, as it's not part of the criteria. She pointed out that the Board is making their decision based on the fact that this is one parcel, and according to the code, the connections shall be made.

Mr. Collins **MOVED** and Mr. Beighley **SECONDED** a motion to **APPROVE** DR2004-0105 First Tech Credit Union at Beaverton Creek – Design Review, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated November 24, 2004, including all the proposed Conditions of Approval, and the following modification to Condition No. 32 as follows:

- A maximum of 36" inches versus 30" inches on center between rows of plants using one-gallon plant materials.

CARRIED by the following vote:

AYES: Collins, Beighley, Nardozza, Shipley, Straus, and Doukas.
NAYS: None.
ABSTAIN: None.
ABSENT: Weathers.

B. CRYSTAL SPA

2. DR2004-0064 – DESIGN REVIEW
3. PD2004-0001 – PARKING DETERMINATION
4. TP2004-0021 – TREE PLAN TWO

(Request for continuance to January 6, 2004)

The applicant requests Design Review Three, Parking Determination, Tree Plan Two, and Loading Determination approvals for the proposed development of a health spa. The Design Review application proposes to construct a single-story building approximately 11,500 square feet in size with associated landscaping, parking and lighting. The Parking Determination requests the removal of more than four Community Trees within the project site, approximately six (6) Community Trees. Community Trees are trees with diameters greater than 10-inches at breast height. The Loading Determination application is a request to deviate from the loading berth requirements of Development Code Section 60.25.

Mr. Beighley **MOVED** and Mr. Nardozza **SECONDED** a motion to grant the applicant's request to **CONTINUE** DR2004-0064 – Crystal Spa Design Review, PD2004-0001 – Crystal Spa Parking Determination, and TP2004-0021 – Crystal Spa Tree Plan Two to a date certain of January 6, 2005.

Motion **CARRIED**, unanimously.

APPROVAL OF MINUTES:

The minutes of November 4, 2004, as written, were submitted. Mr. Straus **MOVED** and Mr. Nardozza **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 7:49 p.m.